

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

JAIME VIAL, as representative of the heirs  
of Rene Correa Borquez and on behalf of  
other persons similarly situated,

Plaintiff,

v.

BRENDA MAYRACK, in her individual  
capacity and official capacity as  
DIRECTOR OF THE OFFICE OF  
UNCLAIMED PROPERTY OF THE  
STATE OF DELAWARE, BRIAN  
WISHNOW, in his official capacity as the  
Assistant Director Enforcement of the  
Office of Unclaimed Property; and  
RICHARD J. GEISENBERGER, in his  
official capacity as the Secretary of Finance  
for the State of Delaware,

Defendants.

Case No.: 1:24-cv-01313-MN

**[PROPOSED] ORDER GRANTING  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

The Court, having considered the motion of Plaintiff Jamie Vial for a temporary restraining order and a preliminary injunction, any briefs filed in support and opposition, argument of counsel, and the full record of this case, hereby orders as follows:

For good cause shown, Plaintiff's motion for a temporary restraining order and a preliminary injunction is GRANTED.

It is hereby ORDERED that:

(i) It is declared that Defendants' enforcement and administration of the DUPL against Plaintiff and the Class Members violate the Fifth and Fourteenth Amendments of the United States Constitution;

(ii) Defendants are enjoined from enforcing or administering the DUPL unconstitutionally against Plaintiff and Class Members;

(iii) enjoining Defendants from selling or disposing of property already seized under the DUPL or held by private auditors and holders under their direction and control;

(iv) Defendants are required to identify class members potentially entitled to individualized relief; and

(v) Defendants are required to return the property belonging to each Plaintiff and Class Member or otherwise put them in the same position monetarily as they would have occupied if the property had not been seized and taken, with interest and with compensation for any appreciation in the value of the property since its seizure.

Dated: December 30, 2024

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Hon. Maryellen Noreika, U.S.D.J.